

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LESLIE R. MITCHELL,

Plaintiff,

v.

K. BRITTAIN,

Defendant.

No. 4:22-CV-00619

(Chief Judge Brann)

**ORDER**

**AND NOW**, this 6<sup>th</sup> day of December 2022, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendant's motion (Doc. 9) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is **GRANTED**. Plaintiff's individual capacity Section 1983 claim against defendant Kathy Brittain is **DISMISSED** without prejudice.
2. Plaintiff's official capacity claim against Brittain is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted.
3. Plaintiff, if desired, may file an amended complaint in conformity with the accompanying Memorandum within 21 days of the date of this Order. If no amended complaint is timely filed, this case will be closed.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann  
Chief United States District Judge